

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in compliance with D.N.J. LBR 9004-1

SQUIRE PATTON BOGGS (US) LLP

Norman N. Kinel, Esq.

Elliot M. Smith, Esq. (*pro hac vice*)

30 Rockefeller Plaza, 23rd Floor

New York, NY 10112

Telephone: (212) 872-9800

Facsimile: (212) 872-9815

Email: norman.kinel@squirepb.com

elliott.smith@squirepb.com

Counsel to East West Bank

In re:

New England Motor Freight, Inc., *et al.*,

Debtors.¹

Chapter 11

Case No. 19-12809 (JKS)

Jointly Administered

**RESERVATION OF RIGHTS OF EAST WEST BANK REGARDING
DEBTORS' MOTION FOR ORDERS (I)(A) APPROVING BIDDING PROCEDURES
AND AUCTION AND (B) SCHEDULING SALE HEARING AND APPROVING NOTICE
THEREOF; (II) AUTHORIZING THE SALE OF SUBSTANTIALLY ALL OF
DEBTORS' EASTERN FREIGHT WAYS, INC. AND CARRIER INDUSTRIES, INC.'S
ASSETS FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES, AND
OTHER INTERESTS; (III) AUTHORIZING THE ASSUMPTION AND ASSIGNMENT
OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND (IV)
GRANTING RELATED RELIEF**

East West Bank ("EWB"), by and through its undersigned counsel, hereby files this reservation of rights regarding the *Debtors' Motion for Orders (I)(A) Approving Bidding Procedures and Auction and (B) Scheduling Sale Hearing and Approving Notice Thereof; (II) Authorizing the Sale of Substantially All of Debtors' Eastern Freight Ways, Inc. and Carrier*

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

Industries, Inc.’s Assets Free and Clear of All Liens, Claims, Encumbrances, and Other Interests;
(III) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired
Leases; and (IV) Granting Related Relief (the “Motion”) (Docket No. 335), and respectfully states as follows:

1. The Court has scheduled a hearing on the Motion for April 8, 2019 to consider the portions of the Motion requesting approval of bid procedures, a sale timeline, and other procedural relief with respect to the Debtors’ proposed going concern sale (the “Sale”) of substantially all of the assets of Debtors Eastern Freight Ways, Inc. (“Eastern”) and Carrier Industries, Inc. (“Carrier”). The Motion proposes to schedule a final sale hearing in connection with the Sale for May 16, 2019, with an objection deadline of May 6, 2019.

2. EWB takes no position on the procedural relief being requested. EWB asserts liens and security interests on certain rolling stock collateral used by Eastern and Carrier which they intend to include in the Sale, and reserves all rights with respect to the sale of its collateral and any proceeds thereof generated through the Sale. EWB also reserves all other rights and objections that it may have with respect to the non-procedural aspects of the Motion, including the substantive relief sought thereby, the conduct of the auction, and the approval of the Sale, including, without limitation, EWB’s right to adequate protection and any objections EWB may have as to whether the Sale satisfies the requirements of section 363 of the Bankruptcy Code.

Dated: April 5, 2019

Respectfully submitted,

/s/ Norman N. Kinel

Norman N. Kinel, Esq.

Elliot M. Smith, Esq. (*pro hac vice*)

Squire Patton Boggs (US) LLP

30 Rockefeller Plaza, 23rd Floor

New York, NY 10112

212-872-9800 (Phone)

212-872-9815 (Fax)

Norman.kinel@squirepb.com

Elliot.smith@squirepb.com

Counsel for East West Bank

CERTIFICATE OF SERVICE

I hereby certify that, on April 5, 2019, a copy of the foregoing was served automatically through the Court's ECF system on the parties registered to receive electronic notices of filings in these cases.

/s/ Norman N. Kinel
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